

THE MANDELL LAW FIRM, LLC

%Michael Mandell
1348 N. Hazelton Dr.
Chandler, Arizona 85226
480-694-5388
mandellaw@gmail.com

February 28, 2013

RECEIVED
FEDERAL ELECTION
COMMISSION
2013 FEB 28 PM 1:34
CELA

Marianne Abely
Attorney
Federal Election Commission
Enforcement Division
Washington D.C. 20463

Re: Gary Husk
MUR 6465

Dear Ms. Abely:

Attached please find a copy of a letter dated February 18, 2013, from Richard Romley, an attorney for Gary Husk, to Assistant Arizona Attorney General Leesa Berens Morrison regarding recently discovered evidence. I would request that you review this information as it relates to Federal Elections Commission recent correspondence addressed to me and date stamped December 3, 2012.

As you are aware, my client has consistently maintained that he had absolutely no knowledge that the Fiesta Bowl was reimbursing employees for their political contributions and was certainly not the "mastermind" of this scheme. In support of this position I previously informed the FEC that this scheme pre-dated Mr. Husk's alleged authorization by at least five (5) years. Unfortunately, the FEC responded to this information in its Factual and Legal Analysis at Page 6 in Footnote 2 as follows:

As to Husk's point that it would be "illogical" for him to make this statement to Wisneski in 2005 if the scheme began five years earlier, Husk erroneously assumes that reimbursements took place at the same time that the corresponding contributions were made. The available information suggests that, although some contributions may have been made prior to 2005, those contributions were not reimbursed until 2005 or thereafter. Under these circumstances, it makes sense that Husk would not have made the alleged statement until around 2005.

THE MANDELL LAW FIRM, LLC

%Michael Mandell
1348 N. Hazelton Dr.
Chandler, Arizona 85226
480-694-5388
mandellaw@gmail.com

As noted in the attached correspondence, Defendant Natalie Wisneski's federal indictment listed numerous and specific overt acts as part of a conspiracy charge. On Page 5, Paragraph 18 (b) the following information is alleged:

"In or around February 2004, multiple Fiesta Bowl employees, including WISNESKI, wrote checks to the county election campaign of Maricopa County Supervisor Andrew Kunasek, and were subsequently reimbursed by the Fiesta Bowl, through checks signed by WISNESKI, on or around May 24, 2004."

Thus, the federal investigation determined that Defendant Wisneski, at Defendant Junker's direction, had multiple employees make contributions to Supervisor Kunasek in February of 2004 that were later reimbursed by the Fiesta Bowl on May 24, 2004. This is entirely consistent with the practice of reimbursements being issued in close proximity to the contributions as outlined in the Report.

In light of the foregoing evidence, it appears that the FEC relied upon erroneous information in concluding that the reimbursements took place only after the alleged conversation sometime after January 12, 2005. Federal law enforcement officials clearly are in possession of documentary evidence that proves this to be the case. In addition, the Report suggests that there are numerous other reimbursements that occurred prior to 2005 that are referenced in Schedules A, B and C. Finally, it is important to note that the key date of January 12, 2005 was actually determined by a bonus check issued to the former Chief Financial Officer in the amount of \$15,000.00 that was to be used for reimbursements of other employees' political contributions.

This uncontroverted evidence leaves no doubt that the Fiesta Bowl's scheme predated the point in time that Defendants Junker and Wisneski allege that Mr. Husk approved the scheme. Not only does this evidence exculpate Mr. Husk, it further impeaches the credibility of those individuals who have falsely accused him of being involved in this scheme. Clearly, that lack of credibility on such a fundamental issue contaminates every other allegation these individuals may have made against Mr. Husk or anyone else. Unfortunately, the FEC appears to have unwittingly relied upon these false statements in arriving at its preliminary determination.

THE MANDELL LAW FIRM, LLC

%Michael Mandell
1348 N. Hazelton Dr.
Chandler, Arizona 85226
480-694-5388
mandellaw@gmail.com

Since the FEC's jurisdiction in this matter focuses on five (5) particular federal campaign contributions and alleged reimbursements, it is important to note that there is absolutely no evidence to suggest that Mr. Husk solicited or had any knowledge whatsoever of those particular contributions. Similarly, there is no evidence to suggest that Mr. Husk provided or had any knowledge of those particular reimbursements. In the absence of such evidence, the FEC is left with nothing more than a rather innocuous statement, adamantly denied by my client, made approximately five years after the reimbursement practice began by individuals with virtually no credibility.

Based upon the foregoing information, I would request that the FEC reconsider its preliminary finding that Mr. Husk knowingly and willfully violated 2 U.S.C. Section 441f of the Federal Election Campaign Act of 1971. I would submit that this finding was based upon inaccurate and false information relied upon by the FEC. The fact that this scheme predated the alleged approval by Mr. Husk, an allegation that he adamantly denies, precludes Mr. Husk from being held accountable for the scheme. When taken in conjunction with the fact that there is absolutely no evidence connecting Mr. Husk to the specific contributions/reimbursements that are the subject of the FEC's investigation, there is insufficient evidence to proceed any further in this matter.

I would respectfully request that the FEC dismiss this preliminary finding in light of the newly discovered evidence.

Sincerely,


Michael Mandell, Esq.